

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JASON WILLIAMS,

Plaintiff,

vs.

AT&T MOBILITY LLC,

Defendant.

Case No. 5:19-cv-00475-BO

**JOINT MOTION TO ENTER AGREED
ORDER REGARDING DISCOVERY
AND CASE SCHEDULE**

Plaintiff, Jason Williams, and Defendant, AT&T Mobility LLC (the “Parties”), jointly and through the undersigned counsel, respectfully move the Court to enter the attached agreed proposed order concerning discovery and the case schedule in this matter, and respectfully show the Court the following:

1. The Parties previously sought two extensions of the discovery deadlines in this matter [Doc. 54, Doc. 71], both of which the Court granted [Doc. 55, Doc. 72].
2. Since the latest extension, the Parties have made substantial progress in discovery, including the exchange of expert and rebuttal reports, the exchange of responsive documents, and the exchange of documents obtained from third-parties.
3. No trial date has been set in this matter and discovery is currently scheduled to close on September 17, 2021 [Doc. 72].
4. The Parties have yet to take depositions in this matter. AT&T contends it is unable to obtain a fair deposition of Mr. Williams or his expert

witness until Mr. Williams cures deficiencies in his document production and interrogatory responses that AT&T contends exist, which AT&T identified during an August 26, 2021 meet and confer conference. Counsel for Mr. Williams stated during that conference that they were unaware of any outstanding discovery Mr. Williams is owed by AT&T, but they reserved the right to later identify any.

5. The Parties are working through these issues cooperatively to avoid burdening the Court with a motion to compel by AT&T. To provide the Parties sufficient time to resolve these issues and complete discovery, the Parties have agreed to jointly seek a limited extension of the discovery cut-off for eighty (80) days until December 6, 2021 (“limited discovery period”), in part to allow Plaintiff sufficient time to provide additional discovery as set forth below.

6. The Parties request entry of the attached proposed order, which incorporates the Parties’ agreement to request that the Court order that:

- a. The discovery cut-off is extended to December 6, 2021 for the limited purposes described in the order;
- b. Mr. Williams shall make diligent and reasonable efforts within thirty (30) days of the entry of the order, but in no event take longer than fifty (50) days after its entry to: (i) have his counsel independently search his prtitech.com email account and produce all responsive documents; (ii) produce the additional documents AT&T requested during the August 26 meet and confer conference or certify in writing

- that he cannot produce them; and (iii) adequately supplement his responses to AT&T's Second Interrogatories Nos. 1-2 and 4-6;
- c. Within seven (7) days of entry of the attached order, Mr. Williams shall disclose the name, associated email address, and period of use of any mining pool service account he created in connection with his cryptocurrency mining operation, including but not limited to any Slush Pool account he created in February 2019;
 - d. AT&T shall have until the end of the limited discovery period to serve any written discovery requests and complete the depositions AT&T notices in this matter. AT&T will meet and confer with Mr. Williams before issuing any new written discovery requests. Any such discovery requests shall be served by such a time as to require Mr. Williams' responses on or before the discovery cut-off. Mr. Williams shall cooperate in scheduling and appearing for the depositions AT&T notices prior to the discovery cut-off;
 - e. Within 60 days of entry of the order, Mr. Williams shall complete depositions, and AT&T shall cooperate in scheduling and appearing for such depositions during that period. Mr. Williams shall not serve any new written discovery requests on AT&T during the limited discovery period without first conferring with AT&T. If the Parties cannot reach agreement regarding new written discovery requests sought by Mr. Williams, they shall promptly request a conference with the Court. Mr.

Williams does not waive any rights regarding his already-issued discovery requests, including those rights arising under the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of North Carolina;

- f. The dispositive motion briefing deadlines in the previously issued scheduling order [Doc. 72] are hereby vacated. The Parties will provide a status report to the Court at least once every 30 days following entry of the order to report on their progress and address any outstanding discovery issues and a schedule for the remainder of the case. Not later than the close of the discovery period, the Parties shall submit a schedule for dispositive motions submission and briefing.

7. AT&T respectfully reserves the right to file a motion to compel regarding Plaintiff's discovery responses to obtain appropriate relief if the Court declines to grant the extension or if it otherwise becomes necessary, but hopes it can avoid doing so if the Court grants the requested extension.

Respectfully submitted this 14th day of September, 2021.

For Plaintiff:

/s/ Christopher LaVigne
Christopher LaVigne
Joseph Gallo
WITHERS BERGMAN LLP
430 Park Avenue, 10th Floor
New York, New York 10022-3505
Email: christopher.lavigne@withersworldwide.com
joseph.gallo@withersworldwide.com
Counsel for Plaintiff Jason Williams

/s/ Terrence S. Reynolds
Terrence S. Reynolds
Lucas D. Garber
SHUMAKER LOOP & KENDRICK LLP
101 South Tryon Street
Suite 2200
Charlotte, NC 28280
Email: treynolds@shumaker.com
lgarber@shumaker.com

Local Civil Rule 83.1(d) Counsel for Plaintiff Jason Williams

For Defendant:

/s/ Joseph S. Dowdy
Joseph S. Dowdy (N.C. State Bar No. 31941)
KILPATRICK TOWNSEND & STOCKTON LLP
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
Telephone: (919) 420-1700
Facsimile: (919) 510-6120
Email: jdowdy@kilpatricktownsend.com

Michael J. Breslin (Ga. State Bar No. 142551)
KILPATRICK TOWNSEND & STOCKTON LLP
1100 Peachtree St. NE, Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555
Email: mbreslin@kilpatricktownsend.com

Adam P. Wiley (Cal. State Bar No. 298686)
KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center, Suite 1900
San Francisco, CA 94111
Telephone: (415) 273-4336
Facsimile: (415) 576-0300
Email: awiley@kilpatricktownsend.com

Counsel for Defendant AT&T Mobility LLC

CERTIFICATE OF SERVICE

I hereby certify that on date set out below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

SHUMAKER LOOP & KENDRICK LLP

Terence S. Reynolds
treynolds@shumaker.com
Lucas D. Garber
lgarber@shumaker.com
101 South Tyron Street
Suite 2200
Charlotte, North Carolina 28280

Counsel for Plaintiff Jason Williams

WITHERS BERGMAN LLP

Christopher LaVigne
christopher.lavigne@withersworldwide.com
Joseph Gallo
joseph.gallo@withersworldwide.com
430 Park Avenue, 10th Floor
New York, New York 10022-3505

Counsel for Plaintiff Jason Williams

This the 14th day of September, 2021.

/s/ Joseph Dowdy

Joseph S. Dowdy